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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,678	12/27/2001	Omry Paiss	P-4045-US	7044

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PEARL COHEN ZEDEK LATZER, LLP 1500 BROADWAY, 12TH FLOOR NEW YORK, NY 10036

EXAMINER
ROSE, KERRI M

ART UNIT	PAPER NUMBER
2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/026,678	PAISS, OMRY
	Examiner	Art Unit	
	Kerri M. Rose	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 May 2006</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 2, 11, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by

Haimi-Cohen (US 6,233,320).

3.   In regards to claim 1, Haimi-Cohen discloses a method comprising: recording data

packets of a conversation by alternating between a first active link and a second active link of a

wireless communication system; and sending the recorded data packets of the recorded

conversation to a subscriber. Figure 4 discloses an apparatus, 100, with a conversation record

module, 104, and a playback module, 106. Column 6 lines 29-34 indicate that packets from each

side of the conversation are recorded. Column 6 lines 35-44 indicate that the recorded packets

are sent to a subscriber by playing the conversation.

4.   In regards to claim 2, Haimi-Cohen discloses the method of claim 1 comprising: storing

the recorded data packets of the recorded conversation in a storage medium. Figure 4.110 is

nonvolatile memory for storing the recorded conversation packets.   .

5.   In regards to claim 11, Haimi-Cohen discloses an apparatus comprising: first and second

media recorders (fig. 4 the unmarked lines leading from the transmit and receive sides of the

phone operation to the memory indicate that each side is recorded separately.) to record a

conversation by alternately recording data packets of a media content of the conversation

received from a first active link and a second active link (Column 6 lines 29-34 indicate that

packets from each side of the conversation are recorded.) of a wireless communication system

(col. 5 line 55), respectively; a controller to alternate between the first link and the second link

(col. 6 lines 20-23 indicate using a DSP); a storage medium to store the recorded data packets

(fig. 4.110); and a first and a second media decoders to decode the recorded media content of the

conversation (fig 4.112 and 114).

6.   In regards to claim 17, Haimi-Cohen discloses an article comprising a storage medium

having stored thereon instruction, that, when executed by a computing platform, result in:

recording data packets of a conversation by alternating between a first active link and a second

active link of a wireless communication system; and sending the recorded data packets of the

recorded conversation to a subscriber. Figure 4 discloses an apparatus, 100, with a conversation

record module, 104, and a playback module, 106. Column 6 lines 29-34 indicate that packets

from each side of the conversation are recorded. Column 6 lines 35-44 indicate that the recorded

packets are sent to a subscriber by playing the conversation. A digital signal processor controls

the apparatus. The DSP must have instructions, stored in memory, in order to carry out every

process, including this one for recording a conversation.

7.   In regards to claim 18, Haimi-Cohen discloses the article of claim 17, wherein the

instructions result.in: decoding a recorded media content of the recorded data packets by

alternating between a first media decoder and a second media decoder (fig. 4.112 and 114); and

sending the decoded media content of the recorded conversation to a subscriber that is an

originator of the conversation recording (Column 6 lines 35-44 indicate that the recorded packets

are sent to a subscriber by playing the conversation.).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 3-8, 10, 12-16, 19, and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Haimi-Cohen (US 6,233,320) in view of Barak et al. (US 6,792,093).

10.   In regards to claim 3, Haimi-Cohen discloses the method of claim 2 comprising:

decoding a recorded media content of the recorded data packets by alternately decoding said

packets with first and second media decoders (fig. 4.112 and 114); but not generating a file that

includes decoded media content of the data packets corresponding to the recorded conversation;

and storing the file at a secured location having a controlled access.

Barak column 6 lines 34-35 indicate that a subscriber can log in to view a list of

conversations. Each conversation is one file. The memory location is secure because the

subscriber must login in order to access the files.

It would have been obvious to one of ordinary skill in the art to add secure file access, as

taught by Barak to the phone recording system of Haimi-Cohen because doing so ensures only

the intended listeners have access to recorded conversations, which is a benefit readily

recognized by one of ordinary skill in the art.

11.   In regards to claim 4, Haimi-Cohen and Barak disclose the method of claim 3 further

comprising: receiving a command for sending the file via a global network to a computer. Barak

column 6 lines 29-31 indicate that files can be retrieved using the Internet.

12.   In regards to claim 5, Haimi-Cohen discloses the method of claim 1 comprising:

decoding the recorded data packets by alternating between a first media decoder and a second

media decoder (fig. 4.112 and 114).

        Haimi-Cohen does not disclose receiving a command for sending the recorded

conversation to a remote station via the wireless communication system; and combining the

decoded packets to generate a file that includes the recorded media content of the conversation.

Barak discloses in column 6 lines 1-3 and figure 3 that the conversations can be retrieved by

phone. Column 1 line 54 indicates that the phone can be a mobile or wireless phone.

        It would have been obvious to one of ordinary skill in the art to add Barak's server and

remote station to the conversation recorder of Haimi-Cohen because doing so allows for a stand

alone service that may be use with or without other services provided by a telephone company,

as taught by Barak in column 1 lines 57-64.

13.   In regards to claim 6, Haimi-Cohen discloses a wireless communication system

comprising: first and second media recorders (fig. 4 the unmarked lines leading from the transmit

and receive sides of the phone operation to the memory indicate that each side is recorded

separately.) to record a conversation by alternately recording data packets of a media content of

the conversation received from a first active link and a second active link (Column 6 lines 29-34

indicate that packets from each side of the conversation are recorded.) of a wireless

communication system (col. 5 line 55), respectively; a controller to alternate between the first

link and the second link (col. 6 lines 20-23 indicate using a DSP); a storage medium to store the recorded data packets (fig. 4.110).

Haimi-Cohen does not disclose a server or a remote station to send a command and to receive the recorded data packets of the conversation.

Barak discloses a server in column 1 lines 25 and 26. Barak discloses a remote station in column 6 lines 1-3 and 29-31.

It would have been obvious to one of ordinary skill in the art to add Barak's server and remote station to the conversation recorder of Haimi-Cohen because doing so allows for a stand alone service that may be use with or without other services provided by a telephone company, as taught by Barak in column 1 lines 57-64.

14.   In regards to claim 7, Haimi-Cohen and Barak disclose the system of claim 6, wherein the server comprises: a file generator to generate a file which includes a recorded media content of the first link and the second link by alternating between a first media decoder and a second media decoder and combining the decoded media content from the first and second media decoders to the file; and a secured storage location having a controlled access to store the file. Barak column 6 lines 34-35 indicate that a subscriber can log in to view a list of conversations. Each conversation is one file. The memory location is secure because the subscriber must login in order to access the files.

15.   In regards to claim 8, Haimi-Cohen and Barak disclose the system of claim 7, wherein the secured storage location is a media mailbox. Barak column 6 lines 40-41 indicate that a call can be sent to an email inbox. The inbox is secure because the subscriber must enter a username and password to access the information.

16.   In regards to claim 10, Haimi-Cohen and Barak disclose the system of claim 6, wherein

the remote station is a personal communication assistant (PCA). Column 3 line 53 and column 2

line 54 indicates that the remote station can be a mobile phone. A mobile phone is a PCA.

17.   In regards to claim 12, Haimi-Cohen discloses the apparatus of claim 11 but not further

comprising: a file generator to generate a file by combining a decoded data of the recorded data

packets from the media decoders; and a secured storage location having a controlled accesses to

store the file.

        Barak column 6 lines 34-35 indicates that a subscriber can log in to view a list of

conversations. Each conversation is one file. The memory location is secure because the

subscriber must login in order to access the files.

        It would have been obvious to one of ordinary skill in the art to add secure file access, as

taught by Barak to the phone recording system of Haimi-Cohen because doing so ensures only

the intended listeners have access to recorded conversations, which is a benefit readily

recognized by one of ordinary skill in the art.

18.   In regards to claim 13, Haimi-Cohen and Barak disclose the apparatus of claim 12,

wherein the secured storage location is a media mailbox. Column 6 lines 40-41 indicate that a

call can be sent to an email inbox. The inbox is secure because the subscriber must enter a

username and password to access the information.

19.   In regards to claim 14, Haimi-Cohen discloses a method comprising alternately recording

data packets of media content of the conversation received from a first active link and a second

active link of the wireless communication system (Column 6 lines 29-34 indicate that packets

from each side of the conversation are recorded.), using a first media recorder and a second

media recorder, respectively (fig. 4 the unmarked lines leading from the transmit and receive

sides of the phone operation to the memory indicate that each side is recorded separately.); and

storing recorded data packets of the recorded conversation (fig. 4.110).

Haimi-Cohen does not disclose a server or a remote station to send a command and to

receive the recorded data packets of the conversation.

Barak discloses a server in column 1 lines 25 and 26. Barak discloses a remote station in

column 6 lines 1-3 and 29-31. Column 3 lines 66-67 and column 4 lines 1-21 disclose the

method for sending a command to record to the server by the remote station.

It would have been obvious to one of ordinary skill in the art to add Barak's server and

remote station to the conversation recorder of Haimi-Cohen because doing so allows for a stand

alone service that may be use with or without other services provided by a telephone company,

as taught by Barak in column 1 lines 57-64.

20.   In regards to claim 15, Haimi-Cohen and Barak disclose the method of claim 14

comprising: sending a command by the remote station to the server to play a recorded media

content of the conversation at the remote station, decoding at the server the recorded media

content by alternating between a first media decoder (Haimi fig. 4.112) and a second media

decoder (4.114); and transmitting by a base station a modulated decoded media content of the

conversation to a commanding remote station. Column 6 lines 1-60 discuss the methods for

retrieval from the server to a remote station. When the remote station is a mobile phone the

conversation will inherently be routed through a base station. Also see the rejection of claims 2,

7, and 11.

21.   In regards to claim 16, Haimi-Cohen and Barak disclose the method of claim 15, further

comprising: providing to a subscriber of a recording service a media mailbox to store the

recorded media content of the conversation; and retrieving by the remote station a recorded

conversation by accessing the media mailbox. Barak column 6 lines 1-27 describe the media

mailbox procedures. Each conversation is assigned a code to identify it as belonging to a

specific subscriber, as described in column 5 lines 8-11. The marked calls could be described as

being placed in the subscriber's media mailbox.

22.   In regards to claim 19, Haimi-Cohen discloses the article of claim 18, but not wherein the

instructions result in: generating a file which includes the decoded media content of the

conversation; and storing the file at a secured location having a controlled access.

        Barak column 6 lines 34-35 indicate that a subscriber can log in to view a list of

conversations. Each conversation is one file. The memory location is secure because the

subscriber must login in order to access the files.

        It would have been obvious to one of ordinary skill in the art to add secure file access, as

taught by Barak to the phone recording system of Haimi-Cohen because doing so ensures only

the intended listeners have access to recorded conversations, which is a benefit readily

recognized by one of ordinary skill in the art.

23.   In regards to claim 20, Haimi-Cohen and Barak disclose the article of claim 19, wherein

the instructions result in: receiving a command for sending the file via a global network to a

computer; and storing the data packets comprising the recorded media content of the

conversation at a storage medium. Barak column 6 lines 29-31 indicate that files can be

retrieved using the Internet. It is also inherent that the packets will be stored, at the very least in

temporary storage, once they arrive at the destination that requested the file over the global

network.

24.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haimi-Cohen (US

6,233,320) in view of Barak et al. (US 6,792, 093) further in view of Liu et al. (US 6,434,139).

25.   In regards to claim 9, Haimi-Cohen and Barak disclose the system of claim 8 further

comprising: using the wireless communication system to connect to a global network; and a

computer operably coupled to the global network to play the file via the global network by

alternating between the first media decoder to the second media decoder. Barak column 6 lines

29-31 disclose the use of a computer connected to a global network in order to play the file.

Haimi-Cohen and Barak do not disclose using a gateway for the wireless system.

Liu et al. discloses a wireless gateway in column 1 line 54.

It would have been obvious to one of ordinary skill in the art to use the wireless gateway

taught by Liu et al. to connect the wireless system to the global network as taught by Barak et al.

because it is desirable to use both wired and wireless networks and technology as taught by Liu

et al. in column 1 lines 52-54.

Response to Arguments

26.   Applicant's arguments filed 1/18/2007 have been fully considered but they are not

persuasive. Column 5 lines 52 and 53 of Haimi-Cohen indicate that the apparatus in figure 4 may

be either a wireless phone or a base station. If a base station, each wireless phone would provide

one active link, for a total of two active links as required by the claim. Column 5 lines 58-60

indicate that recording and playback can be activated, for example by entering a code. This

indicates that someone, i.e. a subscriber, has signed up for an extra service offered by the service

provider. In the base station implementation the base station would then send the recorded

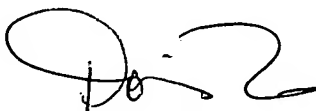packets to a subscriber in response to the playback activation.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kerri M. Rose whose telephone number is (571) 272-0542. The

examiner can normally be reached on Monday through Thursday, 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doris H. To can be reached on (571) 272-7629. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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